



RAVALLI COUNTY ATTORNEY

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Ravalli County Commissioners

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July 27, 2007

Ms. Marie Arnott
P.O. Box 701
Florence, MT 59833

RE: July 10, 2007, Terry Nelson Public Meeting

Dear Ms. Arnott:

I received your July 18, 2007, letter regarding statutes of limitation and a claim by the County against Mr. Nelson. While appreciate the time you took to lay out those statutes, the relevant statute to this matter is MCA § 45-1-205(2)(b) which states as follows:

- (2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:
- ...
- (b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.

Additionally, you stated that "An action is commenced when the complaint is filed. A complaint was filed with you in October 2004." The word "complaint" is a term of art; it refers to the document filed by a prosecutor in court. Instead of a Grand Jury indictment, in Montana, an Information is filed for a felony, and a Complaint is filed for a misdemeanor. While you and your neighbors have talked to the county since at least October, 2004, those complaints do not constitute a "Complaint."

As I stated at the meeting on July 10, I am researching whether there are civil remedies against Mr. Nelson as per the Commissioners' instructions. I will have that research back to them in the near future and I believe that their office will contact you and the other neighbors or, at least let you know that there will be a public meeting about what to do from here.

Sincerely,

Alex Beal
Ravalli County Deputy

cc: Ravalli County Commissioners w/enclosure ✓

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July 18, 2007

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Ravalli County Attorney's Office

Marie Arnott
P.O.Box 701
Florence, Mt. 59833

George Corn, County Attorney
Alex Beal, Deputy County Attorney
205 Bedford, Suite C
Hamilton, Mt. 59840

Re: Meeting July 10, 2007

I am a little puzzled about the statute of limitations comment by the deputy county attorney.

70-19-302 Statute of Limitations for actions concerning real property. The state will not sue any person for or in respect to any real property or the issues or profits thereof by reason of the right or title of the state to the same unless:

(1) such right or title shall have accrued within 10 years before any action or other proceeding for the same is commenced. (I assume this statute is the same for the county?).

27-2-301 when demand necessary to perfect right to action. Where a right exists but a demand is necessary to entitle a person to maintain an action, the time within the action must be commenced must be computed from time when the demand is made.

An action is commenced when the complaint is filed. A complaint was filed with you in October 2004.

We have been coming to you about this matter since October 2004. It is not a lack of action on our part, but yours, that has resulted in the delay of taking this matter seriously and doing something about it. We (the residents who live on Airport Road east of Illinois Bench) want the road fixed (paid for by Terry Nelson) per sub regs and rules for a county road 2003. That is we want the road fixed to county specs for a gravel road. And we want Terry

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regulations. Anything less will not be dealing with this situation in a just manner. We have to live with the subdivision now, because of your lack of action, but we want justice. We are not going away until we get it.

YOU have the responsibility to see that a family transfer is legitimate. Terry Nelson evaded the sub regs and rules. He used family transfer as a loophole. Call it whatever you like, just do something about it.

Thank you

Marie Arnott